

RECORD OF DECISION

Salmon Wild and Scenic River Management Plan

January 13, 2003

Agencies Affected

USDA Forest Service
Salmon-Challis National Forest
Payette National Forest
Bitterroot National Forest
Lemhi and Idaho Counties, Idaho

Responsible Official

George Matejko, Forest Supervisor
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Abstract

On September 21, 2001 a Record of Decision was signed that selected Alternative 4 from the 1995, Final Environmental Impact Statement for the Salmon Wild and Scenic River Management Plan. Alternative 4 required removal of all permanent lodges and facilities at the Stub Creek, Arctic Creek and Smith Gulch by December 31, 2002, revoked the private camp permits of the permittees, and authorized temporary outfitter and guide camp permits for those permittees. During the appeal period of that decision and subsequent to it, the camp permittees submitted additional economic and operational information, including outstanding indebtedness, revenue losses from lodge-to-lodge trips, and lodge removal costs. This information, along with previous court and appeal decision direction, led the Forest Service to reconsider alternate removal dates. This Record of Decision supercedes the 2001 ROD and extends the removal date for the Salmon River camp structures to December 31, 2005.

Background

The Central Idaho Wilderness Act (CIWA) designated 79 miles of the Salmon River stretching from Wheat Creek to Long Tom Bar as “Wild” and directed that the river corridor be managed under the provision of the Wild and Scenic Rivers Act (WSRA). Three permanent lodges are located on National Forest System Lands within this Wild segment: Arctic Creek, Stub Creek and Smith Gulch. The owner and permittee for Arctic Creek is Jack Smith; for Stub Creek it is Dale Stansberry and for Smith Gulch it is Whitewater West (owners Mr. and Mrs. Gail Watt and Mr. And Mrs. Stanford H Watt). The lodge names will be used when referring to the permittees.

1995 Final Environmental Impact Statement and Record of Decision

In two previous court orders, the Forest Service was directed to prepare an Environmental Impact Statement (EIS) for the Salmon Wild & Scenic River Management Plan specifically focused on use of these three lodges. The Forest completed the EIS and I signed the first Salmon Wild and Scenic River Record of Decision (ROD) on June 5, 1995. That ROD authorized use and occupancy of the three lodges through the year 2010. My decision was both appealed and litigated.

2000 District Court of Montana Decision

On September 19, 2000, the Court issued a decision that permanent lodges within the “Wild” portion of the Salmon River Corridor were inconsistent with the WSRA. The Court remanded the decision to the Forest Service to fashion a remedy consistent with the Court opinion.

2001 Supplemental Information Report and Record of Decision

In 2001 the Forest updated the 1995 EIS with a Supplemental Information Report (SIR). The SIR reviewed the existing analysis in the 1995 EIS to determine if there was any new information and if the conclusions regarding environmental effects remained the same. I signed the second ROD on September 19, 2001 selecting Alternative 4 of the 1995 FEIS. That decision authorized the use of temporary outfitter camps at three campsites and set the date of December 31, 2002 for removal of the permanent lodges at Arctic Creek, Stub Creek and Smith Gulch.

The 2001 ROD was appealed by the permittees. The Appeal Reviewing Officer (ARO) affirmed my decision, but directed me to reconsider the timeline for removal, with better consideration of the interests of the individual appellants. I was directed to evaluate whatever economic and operational information the appellants provided regarding their interests and determine if it necessitated a change in the Decision.

2002 Supplemental Environmental Impact Statement (SEIS)

Following the ARO direction, I requested any additional economic and operational information that the appellants wanted us to consider. The appellants response provided

data that I had not considered in my 2001 ROD and I decided that extending the implementation date for structure removal would better show consideration of the interests of the permittees as directed by Judge Thomas and ARO Christopher Pyron. I have prepared a Supplemental EIS to consider the additional economic and operational information in order to modify the implementation date for removal of the permanent structures.

This is the third ROD for the Salmon Wild and Scenic River Management Plan and is prepared based on information in the 1995 EIS, the 2001 SIR and ROD, the 2002 Appeal Record and the newly developed 2002 Final SEIS.

Public Involvement

A Notice of Intent to prepare an Environmental Impact Statement was published in the Federal Register on September 6, 2002 and the Notice of Availability appeared on September 27, 2002. On September 12, 2002, the Draft Supplemental EIS was mailed to 83 individuals and 9 Federal and state agencies. Ten individuals and one federal agency commented on the DSEIS. An analysis of comments was completed following the November 12, 2002 deadline for receipt of comments, and is included in the FSEIS.

Eight of the eleven comments did not favor extending the date of camp structure removal although one of them recognized the economic hardship the current removal date would cause permittees and went as far as suggesting that the Forest Service pay permittees for lost revenues and help them remove the structures. The reasons offered for not extending the structure removal date centered on the fact that the Court has ruled that permanent lodges are not allowed in the "Wild" Salmon River Corridor. Some thought the permittees had sufficient time to revert from permanent to temporary facilities and that it was now time to protect the river's aesthetic and scenic values by removal of structures under the December 31, 2002 deadline.

Two respondents supported the extension date with one of these suggesting that the Forest Service honor the 1995 date of 2010 since permittees made business decisions regarding loans, etc. based on that date. That same respondent cited the convenience of permanent camps and safety concerns in emergency situations.

Attorneys for the permittees felt that a 2005 removal timeline would help the owners reduce debt through revenue generation that would cover removal costs and allow them a smoother transition to temporary facilities along with other outfitters with lodge-to-lodge trips. They additionally asked for further clarification on what uses would be allowed in the 2005 season and asked for flexibility for complete removal due to inclement weather, unpredictable water levels and uncertainties of jet boat travel.

Alternatives Considered in Detail

Two new alternatives were analyzed in the FSEIS. Those alternatives explored alternative schedules for removal of the permanent lodges. For additional details see the FSEIS pages 8-13. The alternatives also reference my ROD and the SIR signed on September 19, 2001, and the FEIS of 1995. The two new alternatives expand on the actions leading to lodge removal, and set completion schedules for those actions.

No Action Alternative

The No Action alternative would continue the decision of September 19, 2001, which chose Alternative 4 of the FEIS and established a final lodge removal deadline of December 31, 2002. The removal actions of the original timeline have not been followed as the decision progressed through appeal and my subsequent analysis leading to the FSEIS and this ROD. It would not be possible for the permittees to comply with the original timeline at this date.

Alternative 4.1

Alternative 4.1 would extend the timeframe for lodge removal to December 31, 2005 with the same schedule of removal actions for each of the permittees. The actions leading to final lodge removal and site rehabilitation are expanded from the No Action alternative.

Alternative 4.2

Alternative 4.2 would extend the timeframe for lodge removal based on the operational and financial situation of the individual permittees. The actions leading to final lodge removal and site rehabilitation are the same as Alternative 4.1. The dates of final lodge removal vary from June 30, 2004 (Arctic Creek), to December 31, 2004 (Stub Creek), to December 31, 2005 (Smith Gulch).

Decision

I am choosing to supercede the ROD of September 19, 2001 in the following manner:

- Choose “Alternative 4-Temporary Structures Only” from the 1995 FEIS utilizing the rationale previously cited in the 2001 ROD. This alternative revokes the private camp permits of the three permittees and issues temporary outfitter-guide permits.
- Select Alternative 4.1 of the FSEIS to establish a schedule of removal actions leading to the final removal all three lodges and rehabilitation of the sites by no later than December 31, 2005. (The details of this alternative can be found in the FSEIS on pages 8-9 and below in this decision.)
- Implement the monitoring and mitigation requirements of the FEIS, SIR and FSEIS.

In the appeal decision, the Appeal Deciding Officer did not find evidence that showed I considered the economic and operational effects to the individual permittees. Therefore, I have spent time reviewing meeting notes from meetings held with the permittees and

information supplied regarding their economic and operational situation. I have reviewed both the Court decision and the records on file with their special use permits as well.

I have reached this decision after bearing in mind that the Court found no suggestion of bad faith on the part of the permittees anywhere in the record and that the permittees acted in reliance upon the Forest's erroneous interpretation of the WSRA. The Court directed that "in developing a remedy, the USFS must be mindful of the interests of these parties." This direction is further emphasized by the Regional direction to "consider economic impacts to the individual permittees as directed by the Court" and to "reconsider the timeline for removal, with better consideration of the interests of the individual permittees."

During this decision process I weighed and balanced my statutory responsibilities and the information available to me in the written record. I have considered the financial and operational situations of each of the three permittees, the direction of Judge Thomas to remedy the situation of permanent lodges within the Salmon Wild River Corridor, and the desire of members of the public to see the lodges removed at the earliest possible date.

I am choosing to supercede the ROD of September 19, in order to assure that all elements of this decision are in the same place. I continue to use the analysis of the SIR and the decision rationale from the 2001 ROD without repeating them. The specifics of my decision are:

- **Choose "Alternative 4-Temporary Structures Only" from the 1995 FEIS utilizing the rationale previously cited in the 2001 ROD. This alternative revokes the private camp permits of the three permittees and issues temporary outfitter-guide permits.**

The first decision of the 2001 ROD was to select an implementable alternative from the 1995 FEIS. I continue to choose Alternative 4 from the 1995 FEIS.

The permittees will be issued permits for temporary assigned camps in the same manner as other land based outfitter-guide permittees. Sites are assigned according to the remedial plan for outfitter and guide operations within the Frank Church – River of No Return Wilderness (Civil Action No. 92-0740, March 15, 1994, US District Judge Thomas F. Hogan). The environmental considerations for the camp assignment are included in the court order and in the 1995 FEIS (Appendix B) and are documented as part of the operating plan.

- **Select Alternative 4.1 of the FSEIS to establish a schedule of removal actions leading to the final removal all three lodges and rehabilitation of the sites by no later than December 31, 2005.** (The details of this alternative can be found in the FSEIS on pages 8-9 and here.)

In consideration of Judge Thomas' court order of September 19, 2000, to "be mindful of the interests of these parties" (permittees) and the March 11, 2002, appeal decision by

Appeal Reviewing Officer Christopher Pyron directing the Forest Supervisor to “reconsider the timeline for removal, with better consideration of the interests of appellants”, the Forest proposes a deadline for lodge removal of December 31, 2005. As with the 2001 decision, this alternative would treat all three permittees equally, but would allow more time for the process of lodge removal.

Due to inclement weather, unpredictable water levels, fire conditions, uncertainties of jet boat travel, and other circumstances the checkpoints may vary slightly with Forest Service approval. Under no circumstances will the timeframe for final lodge removal and site rehabilitation be extended beyond December 31, 2005.

The following benchmarks are established as steps in the removal process:

Benchmarks for Lodge Removal	
Action	Time period
Inventory of camps for disposal methods and schedule of specific improvement removal.	Summer 2003
Begin removal of personal items and salvageable items as well as those items that are nonessential for operation.	Fall 2003/ Winter 2004
Complete removal of non-essential items.	Fall 2004
Dismantle lodges. Begin hauling out non-burnables.	Spring 2005
Decommission septic systems.	Spring 2005
Complete hauling of non-burnables. Dismantle lodges and pile burnables. (No use of permanent lodges)	Summer 2005
Complete burning. Begin site rehabilitation, reseeding & mulching.	Fall 2005
Lodge removal & site rehabilitation complete.	No later than 12/31/2005

- **Implement the monitoring and mitigation requirements of the FEIS, SIR and FSEIS as shown in the FSEIS (page 13) and here.**

The following monitoring and mitigation measures were outlined in the EIS for Alternative 4 (EIS, pages IV-36 to IV-37). They are attached to and made part of the selected alternative.

- Prior to removal activities, an erosion control plan and a spill prevention control and countermeasure plan will be prepared.
- Temporary sediment control measures will be implemented during removal activities

- Seed and mulch will be certified to be weed-free, and include only appropriate native species.

In addition, the SIR that accompanied the September 19, 2001 ROD provided additional mitigation and monitoring requirements. These measures are part of the selected alternative:

- Burned areas will be hand raked and seeded with a native seed mix approved for the site and mulched with certified weed free mulch.
- All septic and gray water systems will be closed according to state regulations. (Waste will be pumped and/or removed and the tanks will be decommissioned by filling with sand, removing, or crushing and burying.) Permittees will be required to pack out human waste, disperse gray water, and contain fires within an approved firepan consistent with regulations for visitor use within the Salmon River Corridor.
- Buried pipe and drain fields will be left in place to minimize soil disturbance and protect potential cultural resources.
- Burn pile locations will be identified for each site by an Archeologist.

As part of this Final Supplemental EIS an additional monitoring requirement is also added to the selected alternative.

- Monitor the efforts of the permittees to assure that the benchmarks within the timeline for lodge removal are met

Alternative Development

In order to explain the rationale of my decision, I must first explain how the FSEIS alternatives were developed to balance both the interests of the permittees, and the desire to remove the lodges at the earliest possible date.

The economic and operational information provided by the appellants during and after the appeal includes information that I had not considered in my original decision, but is not always consistent with information in my files or in the information provided by each of the appellants. I have attempted to be consistent in my use of this information.

Neither of the alternatives considered in the FSEIS completely allow the permittees to offset the costs of lodge removal, indebtedness, and the transition to new operations. The time extensions considered in this analysis only allow the permittees operations to generate some revenue to mitigate those costs. An alternative that would extend the lodge removal date was considered, but eliminated from detailed study (FSEIS, page 12).

In my correspondence with the permittees during and following the 2001 ROD appeal, they have offered the date of December 31, 2005 as a reasonable date for the lodge removal deadline on three occasions: During the appeal (Holland & Hart, 12/17/2001); subsequent to the appeal as the response to my request for additional economic and operational information (Holland & Hart, 4/10/2002); and as a comment to the DSEIS (Holland & Hart, 11/11/2002). This date was proposed and analyzed in the DSEIS and the FSEIS (Alternative 4.1, pages 8-9) as an alternative effective date for final lodge removal that would allow better consideration of the permittees interests than my 2001 ROD.

Alternative 4.2 of the FSEIS (pages 10-11) integrates the financial situation of the permittees into the analysis and evaluates alternate final lodge removal dates based on both the operational and financial situation of the permittees. This analysis pointed out that the financial information leading to the proposed December 31, 2005 date by the permittees applies primarily to the Smith Gulch permittee. The Smith Gulch financial information pointed out that the indebtedness by that permittee is currently scheduled to be paid off by about the end of 2005, and that the indebtedness plus the estimated costs of lodge removal approximately equaled the expected gross revenue of the permittee for the time period of 2002-2004. Forest Service information for gross revenue and cost of lodge removal at Smith Gulch was different, but maintained approximately the same relationship. (Gross revenue for 2002-2004 based on past revenue averages is approximately equal to the indebtedness plus cost of lodge removal.)

Gross Revenue, by definition, is a reflection of money received prior to deductions for operating costs, such as fuel, food, and labor, and debt service and capital expenditures. The cost of lodge removal would be an additional expense beyond normal operating conditions. In this situation gross revenue is used as an indicator, not as a measure of ability to cover the cost of lodge removal. The implication is that the permittees will still have to absorb most of the costs of lodge removal from other income sources if the removal date is linked to gross revenue. I have chosen to use gross revenue as a measure in Alternative 4.2 because the permittees offered it in their correspondence with the Forest Service.

I attempted to apply the gross revenue indicator to the other permittees in order to establish alternate dates of removal for them. The indicator works reasonably well at Arctic Creek, where the cost of lodge removal (there is no outstanding indebtedness) is approximately equal to 1.5 years of gross revenue, which led to a lodge removal extension of about 1.5 years to June 30, 2004. The June 30, 2004 date also allows the permittee to use the lodge through the fall fishing season of 2003 with most of the lodge removal activities to be done in the fall of 2003 and spring of 2004 timeframe outside the boating control season.

The gross revenue indicator does not work for the Stub Creek permittee. Indebtedness for Stub Creek is currently financed on a schedule leading to payoff in 2015. Gross revenue is only slightly more than the annual loan payment and leaves little to assist in financing the lodge removal costs. Using the permittee proposed date of December 31, 2005 for

final lodge removal does not improve the financial situation appreciably. For Alternative 4.2, I chose a schedule for the Stub Creek permittee that would remove the lodge in a timely manner, but also consider the permittee situation. A December 31, 2004 final lodge removal date would allow use of the lodge through the spring fishing season of 2004. Extending the date for final lodge removal and site restoration to the end of calendar year 2004 would acknowledge, the lack of use at the lodge during the summer and the weaker financial situation of the permittee, and potential conflicts of lodge removal activities with the boating control season in mid summer.

Rationale for the Decision

Having developed and analyzed the alternatives, I selected Alternative 4.1.

I found Alternative 4.1 preferable for the following reasons:

1. The permittees have offered on two occasions that a lodge removal date of December 31, 2005 would be a reasonable consideration of their interests by allowing them to generate revenue to reduce their indebtedness and to help pay for removal costs of the improvements. The court directed me to be mindful of the interests of the permittees. The permittees have been consistent in presenting their interests to the Forest Service as a group through their attorney.
2. The end result of either alternative is the same for each permittee, and I believe that continuing to treat all of the permittees as a group with the same deadline is reasonable since they have appealed and communicated with the Forest Service as a group through their legal representative.
3. There are few environmental effects to extending the lodge removal date for all permittees to December 31, 2005.
4. Extending the timeline will allow a smooth transition to temporary outfitter-guide operations while accounting for changes in the cost of operations to the permittees.
5. Extending the timeline will allow adequate time for other river outfitters who use lodge-to-lodge trips on the Salmon River to revise their operating plans and advertising.
6. Extending the timeline provides adequate time for removal of the current lodge facilities considering the capabilities of the permittees, the amount of materials that must be removed, the restricted time periods available to work via jet boat on the Salmon River, and potential road closure schedules during the reconstruction of the Salmon River Road.

In addition to the reasons for selecting Alternative 4.1, I decided against Alternative 4.2 for the following reasons:

1. The economic and operational information in Forest Service files and provided by the permittees does not lead me to a decision that treats each of the permittees consistently. Applying the financial situation of the Stub Creek permittee as it was applied to the other permittees in Alternative 4.2 would lead to a lodge removal

date beyond December 31, 2005, which I do not believe is responsive to the courts direction.

2. Applying the gross revenue indicator to the Arctic Creek permittee is somewhat unfair to that permittee because he is not carrying debt on the lodge. The permittees that have incurred debt as part of their operation would be allowed more time for lodge use and removal as a result of their business decision.

I am making this modification in the timeline because I believe it provides for better treatment to the permittees than my previous timeline. Considering the financial impacts of both making a significant change in business operations and the costs associated with structure removal, it was too restrictive to require everything to be completed in one operating year. Three additional years considering the limited season of operation provides the permittees adequate time and resources to complete the tasks. I believe this timeline provides the best implementation of the Court order to “be mindful of the interest” of the permittees.

Extending the timeline for lodge removal through 2005 does increase the possibility of other scheduling conflicts such as the scheduled reconstruction of the Salmon River Road during 2004 and 2005. I believe that establishing the schedule for removal now and awareness of those potential scheduling conflicts provides sufficient flexibility for the permittees to meet the December 31, 2005 final lodge removal and site restoration date.

I do not believe that this decision will resolve the controversy of how quickly the lodges should be removed. One viewpoint from the public is the perception that extending the date beyond that chosen in the 2001 ROD is a stalling tactic to avoid removal of the lodges. An opposing viewpoint is that final lodge dismantling and site rehabilitation date should incorporate some flexibility to allow for the effects of inclement weather, unpredictable water levels, fire conditions, uncertainties of jet boat travel and other circumstances beyond the control of the Forest Service.

I disagree with both points of view. My decision considers the interests of the permittees financial and operational situations, incorporates enough time to allow for unforeseen circumstances, and also lays out a schedule for lodge removal that calls for the lodges to be dismantled by the spring of 2005 with the final lodge removal and site rehabilitation complete no later than December 31, 2005. This decision allows flexibility in completion of the interim actions for lodge removal both through specification of seasons that the work is to be completed, and by allowing the Forest Service to specifically allow variation under special circumstances. The final lodge removal and site restoration date of December 31, 2005 is not to be extended.

Findings Required by Other Laws

Both the 1995 FEIS (Appendix A) and the 2001 SIR, provides specifics on how this decision meets law, regulation and policy. Changing the timeline for removal does not affect these determinations. A summary of those determinations is described in the following section.

National Forest Management Act

Since this decision is consistent with direction from the Bitterroot, Payette, Nez Perce and Salmon National Forest Land and Resource Management Plans (EIS, Appendix pages A-6 to A-8), it does not require a significant amendment to the Plans (FSH 1909.12, 5.32; FSM 1922.5). The Bitterroot and Payette Forest Supervisors have concurred with this decision.

Environmental Justice

No disproportionate health or environmental impacts are anticipated to occur to minority groups, women or low-income populations as a result of this decision. Concern has been expressed that removing the lodges unfairly impacts the ability of seniors and the disabled to experience the “Wild” Salmon River Corridor. Removal of the lodges does reduce the opportunities for lodge stays in the upper portion of the corridor, however lodge stays will continue to be available on private lands within the “Wild” river corridor.

Prime Farmland and Range Land

There is no prime farmland at any of the three campsites. The permitted areas are not included in a livestock-grazing permit.

Wetlands and Floodplains

All activities will be managed to comply with State and Federal wetlands and floodplains regulations and control. The SIR completed in August 2001 determined that beneficial uses will be maintained and no 303(d) listed water bodies will be impacted,

Endangered Species Act

Forest Service specialists prepared a Biological Assessment of effects on species covered under ESA. The U. S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service concurs that this action may affect, but is not likely to adversely affect Snake River spring/summer Chinook salmon, Snake River sockeye salmon, steelhead or bull trout, and have no effect on Canada lynx, Ute Ladies-tresses, water howellia or Spalding’s catchfly. These determinations are documented in biological assessments prepared in July and August 2001. Letters of concurrence from USFWS and National Marine Fisheries Service were received respectively on August 23 and September 7, 2001.

Fish and Wildlife Conservation Act

I have consulted with the U. S. Fish and Wildlife Service, National Marine Fisheries Service and the state agencies of Idaho. The effects to sensitive species are analyzed in the EIS (page IV-31 to IV-34). Effects to water resources were analyzed as well. The EIS concluded there would be no significant effects to either.

Mineral Resources

There are no current mining claims within the Wild River corridor, as the Wild and Scenic Rivers Act withdrew the area from all forms of appropriation under the mining laws. There are no effects to minerals resources (EIS, page IV-35).

Cave Resources

There are no caves or karst features in the permitted areas. This decision complies with the Federal Cave Resources Protection Act of 1988.

Heritage Resources

The selected alternative complies with the requirements of the National Historic Preservation Act of 1966 or Executive Order 11593. I consulted with the Idaho State Historic Preservation Office, who concurred with the findings in the EIS (page IV-25) that if the permanent structures were removed carefully, the Johnny Briggs cabin and other potential pre-contact values would not be affected.

Clean Water Act

Effects to water quality are discussed on EIS, page IV-27 to IV-29 and updated in the SIR. Water quality is expected to improve in the long term. All activities will be managed to comply with State and Federal Clean Water Act regulations and control. The selected alternative will fully maintain existing beneficial uses.

Clear Air Act

Air quality is discussed on EIS, page IV-35. The selected alternative will not compromise any airshed under the Clean Air Act.

Congressionally Designated Areas

The EIS considered the mandates of the Wild and Scenic Rivers Act and the Central Idaho Wilderness Act (EIS, Appendix A).

Inventoried Roadless Areas and Research Natural Areas

No Research Natural Areas would be affected by the decision. No inventoried Roadless areas will be directly affected by the decision.

Implementation Date and Administrative Review

This decision will be implemented no sooner than five business days following the close of the appeal filing period established by the notice of decision appearing in the ***Recorder Herald***. If an appeal is filed, implementation will begin no sooner than 15 calendar days following a final decision of the appeal. Implementation means revoking the private camp permits and issuing outfitter permits.

This decision is subject to appeal pursuant to 36 CFR 215.14. A written Appeal must be submitted within 45 days following publication of the notice of this decision in the ***Recorder Herald*** newspaper, Salmon, Idaho. Appeals should be sent to:

USDA Forest Service, Intermountain Region
Attn: Appeal Deciding Officer
324 25th Street
Ogden, UT 84401

A copy must simultaneously be sent to the decision maker:

George Matejko, Forest Supervisor
USDA Forest Service
Salmon-Challis National Forest
50 Highway 93 South
Salmon, ID 83467

It is the appellant's responsibility to provide sufficient written evidence and rationale to show why my decision should be remanded or reversed. An appeal submitted to the Appeal Deciding Officer becomes a part of the appeal record. An appeal must meet the content requirements of 36 CFR 215.14 which state:

- State that the document is an appeal filed pursuant to 36 CFR part 215;
- List the name and address of the appellant and, if possible, a telephone number;
- Identify the decision document by title and subject, date of the decision, and name and title of the Responsible Official;
- Identify the specific change(s) in the decision that the appellant seeks or portion of the decision to which the appellant objects;
- State how the Responsible Official's decision fails to consider comments previously provided, either before or during the comment period specified in

36 CFR 215.6 and, if applicable, how the appellant believes the decision violates law, regulation, or policy.

This decision is also subject to appeal pursuant to 36 CFR 251.82. Notice of appeal must be postmarked or received by the Appeal Reviewing Officer within 45 days of this decision. A notice of appeal, including reasons for appeal, must be filed with the Regional Forester, Intermountain Region, Federal Building, 324 25th Street, Ogden, UT 84401. A copy of the notice of appeal must be filed simultaneously with George Matejko, Forest Supervisor, 50 Highway 93, Salmon, ID 83467. Appeals must meet the content requirement of 36 CFR 251.90.

Information Contact Person

For additional information concerning this decision or the Forest Service appeal process, contact:

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Approval

/s/ George Matejko

01/13/2003

GEORGE MATEJKO
Forest Supervisor

Date